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Attorney for Brian Dinsmore Gard

FILED

OCT 14 2008

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

THE STATE BAR COURT

HEARING DEPARTMENT—LOS ANGELES

In the Matter of) Case No.: 06-O-14198
)
BRIAN DINSMORE GARD) ANSWER TO NOTICE OF
) DISCIPLINARY CHARGES
No. 118457)
)
)
A Member of the State Bar)
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)

COMES NOW Respondent, Brian Dinsmore Gard, by and through
his Counsel of record, Albert W. Arena, who provide the
following Answer To Notice of Disciplinary Charges (hereinafter
"Notice") as follows:

1. Respondent admits the allegations of paragraph 1 of
the Notice.

2. Respondent denies, both generally and specifically all
allegations in paragraph 2 of the Notice.

3. Respondent denies both generally and specifically all
allegations in paragraph 3 of the Notice.

4. Respondent denies both generally and specifically all
allegations in paragraph 4 of the Notice.



5. Respondent denies both generally and specifically all allegations in paragraph 5 of the Notice, with the exception of admitting that an OSC hearing was continued to November 22, 2004.

6. Respondent lacks sufficient information or belief to respond to the allegations of paragraph 6 of the Notice, and therefore denies both generally and specifically each and every allegation contained therein.

7. Respondent admits that personal service was not accomplished as against the ex-spouse, but otherwise denies both generally and specifically each and every other allegation contained in paragraph 7 of the Notice.

8. Respondent denies both generally and specifically all allegations in paragraph 8 of the Notice.

9. Respondent denies both generally and specifically all allegations in paragraph 9 of the Notice.

10. Respondent admits the allegations contained in paragraph 10 of the Notice.

11. Respondent lacks sufficient information or belief to respond to the allegations of paragraph 11 of the Notice, and therefore denies both generally and specifically each and every allegation contained therein.

12. Respondent denies both generally and specifically all allegations in paragraph 12 of the Notice.

13. Respondent admits the allegations contained in paragraph 13 of the Notice.

14. Respondent denies both generally and specifically all allegations in paragraph 14 of the Notice.

1 15. Respondent denies both generally and specifically all
2 allegations in paragraph 15 of the Notice.

3 16. Respondent admits the allegations contained in
4 paragraphs 16, 17 and 18, with the exception of denying both
5 generally and specifically that Agahan did not receive a refund
6 from Respondent.

7 COUNT ONE

8 19. Respondent denies both generally and specifically all
9 allegations in paragraph 15 of the Notice.

10 20. Respondent's responses to paragraphs 2 through 18 of
11 the Notice are hereby incorporated by reference.

12 21. Respondent denies both generally and specifically all
13 allegations in paragraph 21 of the Notice.

14 22. Respondent denies both generally and specifically all
15 allegations in paragraph 22 of the Notice.

16 COUNT TWO

17 23. Respondent denies both generally and specifically all
18 allegations in paragraph 21 of the Notice.

19 24. Respondent's responses to paragraphs 2 through 19 of
20 the Notice are hereby incorporated by reference.

21 25. Respondent admits the allegations of paragraphs 25 and
22 26 of the Notice.

23 26. Respondent denies both generally and specifically all
24 allegations in paragraph 27 of the Notice.

25 27. Respondent denies both generally and specifically all
26 allegations in paragraph 28 of the Notice.

27 28. Respondent lacks sufficient information or belief to
28 respond to the allegations of paragraph 29 of the Notice, and

1 therefore denies both generally and specifically each and every
2 allegation contained therein.

3 29. Respondent denies both generally and specifically all
4 allegations in paragraph 30 of the Notice.

5 COUNT THREE

6 30. Respondent denies both generally and specifically all
7 allegations in paragraph 31 of the Notice.

8 31. In responding to paragraph 32 of the Notice,
9 Respondent's responses to paragraphs 2 through 19 of the Notice
10 are hereby incorporated by reference.

11 32. Respondent denies both generally and specifically all
12 allegations in paragraphs 33, 34 and 35 of the Notice.

13 COUNT FOUR

14 33. Respondent denies both generally and specifically all
15 allegations in paragraph 36 of the Notice.

16 34. In responding to paragraph 37 of the Notice,
17 Respondent's responses to paragraphs 2 through 19 of the Notice
18 are hereby incorporated by reference.

19 35. Respondent denies both generally and specifically all
20 allegations in paragraphs 38, 39, 40 and 41 of the Notice.

21
22 WHEREFORE Respondent requests a dismissal of the charges pending
23 against him, an award of attorney fees for the costs of
24 defending against the instant action, and a redaction from the
25 public record of any and all charges brought against Respondent
26 herein.


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1 Respectfully submitted this 30th day of September 2008

2 LAW OFFICE OF ARENA & SCHNITZER
3 A Professional Law Corporation
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9 By:

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11 Albert W. Arena, Esq
12 Attorney for Respondent
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1 In the Matter of

2 BRIAN D. GARD

3 SBN No. 118457

4 A Member of the State Bar

5 Case No. 06-O-14198

6 **DECLARATION OF SERVICE BY FIRST CLASS MAIL**

7 I, the undersigned, declare: That I am, and was at the time of service of
8 the papers herein referred to, over the age of 18 years, and not a party to the
9 action; and I am employed in the County of San Diego, California, within which
County the subject mailing occurred. My business address is 110 West "C" Street,
Suite 1709, San Diego, CA 92101. I served the following documents:

10 BRIAN DINSMORE GARD'S ANSWER TO NOTICE OF DISCIPLINARY CHARGES

11
12 by placing true copies thereof with each addressee, checked accordingly, named
hereafter addresses to each addressee respectively as follows:

13
14 THE STATE BAR
OFFICE OF THE CHIEF TRIAL COUNSEL
15 ATTN: MIHO MURAI, DEPUTY TRIAL COUNSEL
1149 South Hill Street
16 Los Angeles, CA 90015-2299

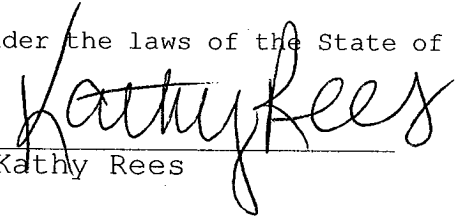
17 ☒ I then sealed each envelope and, with the postage thereon fully prepaid, and
18 being familiar with the office's practice for depositing mail, that correspondence
would be deposited in the United States mail on the same day as deposited in the
19 office mail, the document(s) served was placed for deposit in the mail in accordance
with the office practice.

20 I am readily familiar with our business practice for collecting, processing
and mailing correspondence with the United States Postal Service. Such
21 correspondence is deposited with the U.S. Postal Service on the same day that it
is placed for mailing in the ordinary course of business.

22 ☐ **Personal Service.** By personal delivery to the address(es) listed above.

23 Executed on the 10^h day of October 2008, at San Diego, California.

24 I declare under penalty of perjury under the laws of the State of California
25 that the foregoing is true and correct.

26 
Kathy Rees